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09/932,638	08/16/2001	Quintin T. Phillips	10006504-1	6319

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HEWLETT-PACKARD COMPANY  
Intellectual Property Administration  
P.O. Box 272400  
Fort Collins, CO 80527-2400

EXAMINER
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GARG, YOGESH C

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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*Ex parte* QUINTIN T. PHILLIPS

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Appeal 2008-0348  
Application 09/932,638  
Technology Center 3600

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Decided: May 14, 2008

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Before WILLIAM F. PATE, III, TERRY J. OWENS, and  
BIBHU R. MOHANTY, *Administrative Patent Judges*.

OWENS, *Administrative Patent Judge*.

DECISION ON APPEAL

The Appellant appeals from a rejection of claims 9-30, which are all of the pending claims.

THE INVENTION

The Appellant claims a marketing method that includes communication using an image forming device. Claim 9 is illustrative:

9. A marketing method comprising:

accessing a condition associated with an operation of an image forming device configured to use a consumable to form a hard image;

monitoring the operation of the image forming device;

communicating a request externally of the image forming device using the image forming device and responsive to the monitoring;

receiving a message responsive to the communicating the request; and

communicating the message using the image forming device.

#### THE REFERENCES

Sekizawa	US 6,430,711 B1	Aug. 6, 2002
Hayward	US 6,798,997 B1	Sep. 28, 2004

#### THE REJECTIONS

The claims stand rejected as follows: claims 9-24, 28 and 29 under 35 U.S.C. § 102(e) over Sekizawa; claim 27 under 35 U.S.C. § 103 over Sekizawa; and claims 25, 26 and 30 under 35 U.S.C. § 103 over Sekizawa in view of Hayward.

#### OPINION

We reverse the Examiner's rejections. We need to address only the independent claims, i.e., claims 9 and 17.<sup>1</sup> Claim 9 requires

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<sup>1</sup> The Examiner does not rely upon Hayward for any disclosure that remedies the deficiency in Sekizawa as to the independent claims (Ans. 8).

“communicating a request externally of the image forming device using the image forming device and responsive to the monitoring”, and claim 17 requires “communicating a request using the image forming device to a marketing system external of the image forming device responsive to the monitoring”.

Sekizawa discloses a network printer monitoring system (1) comprising, in each of a number of areas such as a customer store or a business department, a local area network (LAN 3a-c) that connects a plurality of network printers P, a local monitor unit (agent unit 10) and a router (4) (col. 5, ll. 61-62; col. 18, ll. 49-58). Router 4 connects LAN 3a-c to another network such as the Internet, to which is connected an integrated monitor unit (console unit 20) (col. 18, l. 65 – col. 19, l. 6). Local monitor unit 10 sends status information regarding network printers P to console unit 20 by electronic mail, and if that status information indicates an abnormal state of a printer, the operator of console unit 20 can provide service for the printer (col. 6, ll. 9-20, 56-61).

The Examiner argues that Sekizawa discloses “components agent unit 10 integrated with a component printer p via a router 4 which correspond to the claimed image forming device in the instant application” (Ans. 10).

Sekizawa discloses that network printers P, agent unit 10 and router 4 are connected to each other by LAN 3a-c (col. 18, ll. 63-65; fig. 1). The Examiner has not established that one of ordinary skill in the art would have considered that connection to render agent unit 10 integrated with network

printers P such that agent unit 10 is an image forming device. Agent unit 10 itself is described by Sekizawa as a computer (col. 19, ll. 45-55), and that description does not indicate that agent unit 10 has any image forming capability.

Hence, the Examiner has not established that Sekizawa discloses the requirements of claims 9 and 17 set forth above. Nor has the Examiner explained how the applied prior art would have rendered those claim requirements prima facie obvious to one of ordinary skill in the art.

Accordingly, we reverse the Examiner's rejections.

#### DECISION

The rejections of claims 9-24, 28 and 29 under 35 U.S.C. § 102(e) over Sekizawa, claim 27 under 35 U.S.C. § 103 over Sekizawa, and claims 25, 26 and 30 under 35 U.S.C. § 103 over Sekizawa in view of Hayward are reversed.

#### REVERSED

vsh

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